

McDaniel
36874-101804



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***OCTOBER 18, 2004
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation was delivered by The Reverend John W. Ott, Pastor, Parkway Wesleyan Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Today's Council meeting will be replayed on Channel 3 on Thursday, October 21, 2004, at 7:00 p.m., and Saturday, October 23, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Recognizing Mary F. Parker for 30 years of service as City Clerk.

**Adopted Resolution No. 36874-101804. (7-0)
File #38-80**

Southeast by Design Program Award.

File #80-178

Proclamation declaring the week of October 17-23, 2004, as Childhood Lead Poisoning Prevention Week.

File #3

Proclamation declaring Sunday, October 31, 2004, as Change Your Clock, Change Your Battery Day.

File #3-70

3. CONSENT AGENDA

Approved (7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meetings of Council held on Monday, August 16, 2004, and Tuesday, September 7, 2004.

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview an applicant for a vacancy on the Roanoke Redevelopment and Housing Authority, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #110-132

- C-3 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.
File #132-496**

- C-4 A communication from Council Member Brian J. Wishneff requesting that Council convene in a Closed Meeting to discuss the performance of a Council Appointed Officer, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.
File #132**

- C-5 Qualification of the following persons:

Pam Kestner-Chappelear and Frank W. Feather for terms ending September 30, 2006, and Corinne B. Gott and Randy L. Leftwich for terms ending September 30, 2008, as members of the Human Services Advisory Board; and

Lauren D. Saunders and Owen C. Schultz as members of the Roanoke Public Library Board, for terms ending June 30, 2007.

**RECOMMENDED ACTION: Receive and file.
File #110-318-323**

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS:

Suggested Signage – Martin Luther King, Jr. Bridge – 5 Minutes

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of Bulletproof Vest Partnership Grant funds in the amount of \$37,878.00; and appropriation of funds.

**Adopted Budget Ordinance No. 36875-101804 and Resolution No. 36876-101804. (7-0)
File #5-60-236**

2. Execution of an amendment to the Lease Agreement for office space in the Commonwealth Building.

**Adopted Ordinance No. 36877-101804. (7-0)
File #373-524**

3. Execution of Amendment No. 3 to the Three-Year Bridge Program Agreements with Hayes, Seay, Mattern and Mattern, Inc., and Mattern & Craig, Inc., for parking garage inspection services.

**Adopted Resolution Nos. 36878-101804 and 36879-101804. (7-0)
File #60-553**

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Kenneth S. Mundy, Jr., Executive Director for Fiscal Services, Spokeperson.

**Adopted Budget Ordinance No. 36880-101804. (7-0)
File #60-467**

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. A resolution expressing appreciation to citizens and employees of the City of Roanoke in connection with the flood event on September 28, 2004.

**Adopted Resolution No. 36881-101804. (7-0)
File #80-184**

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.

**Council Member Lea expressed opposition to the methadone clinic proposed to be located on Hershberger Road, N. W. He called attention to the number of schools in the area and devaluation of property; therefore, he stated that it is hoped that representatives of the methadone clinic will meet with City officials to discuss alternative sites that will be more appropriate for the facility.
File #76-467**

Mayor Harris and Council Members Dowe and Wishneff supported the remarks of Mr. Lea and stated that it is hoped that the comments of Mr. Lea will create further dialogue among the affected parties.

File #76-467

Council Member Dowe commended all hockey fans who have shown their support of hockey as a sport in the Roanoke Valley.

File #346

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., called attention to speeding on King Street, N. E., and requested that the City enforce the speed limit and erect the appropriate signage. He requested that the City continue to maintain Victory Stadium and that the Stadium Study Committee vote in favor of renovating Victory Stadium.

File #5-20-122

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, commended the City on its clean up efforts at Victory Stadium following the flood which occurred as a result of Hurricane Jeanne. He stated that Victory Stadium has meant a lot to the citizens of Roanoke and to the economy of downtown Roanoke and erection of the flood wall is the answer to saving Victory Stadium. He spoke in support of a downtown trolley system.

File #122

Ms. Helen E. Davis, 35 Patton Avenue, N. E., referred to a recent visit by Dr. Mindy T. Fullilove, Professor of Public Health, Columbia University, and author of the book entitled, *Root Shock, How Tearing Up City Neighborhoods Hurts America and What We Can Do About It*. She stated that the book describes root shock as a dramatic stress reaction that people experience when their homes are disturbed by redevelopment and details how Roanoke's destruction of northeast and most of Gainsboro to build I-581, the Civic Center and other economic developments continue to hurt the African-American community. She expressed concern that Dr. Fullilove was not afforded the appropriate recognition when she visited the City of Roanoke earlier this year.
File #66-178

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., congratulated the City Clerk on 30 years of service to the City of Roanoke. She commended Council Members Lea and Wishneff on their efforts to save Victory Stadium. She commended Mr. Lea on his comments regarding the proposed methadone clinic on Hershberger Road. She also spoke in regard to the briefing on the suggested signage for the Dr. Martin Luther King, Jr. Bridge which is proposed to be held in the Council's Conference Room following completion of the agenda items and advised that it will be a disservice to the community if the briefing is not televised.
File #76-102-122

12. CITY MANAGER COMMENTS:

The City Manager called attention to leaf mulching which is an alternative to raking or blowing leaves; however, if citizens choose to bag or participate in the City's loose leaf collection program, the schedule for leaf collection will be posted on the City's website. She asked that citizens be mindful of how leaves can impact their safety.
File #183

CERTIFICATION OF CLOSED SESSION. (7-0)

Appointed the following persons:

**Roanoke Redevelopment and
Housing Authority
File #15-178**

**James A. Allen and
Monique E. Smith for terms
ending August 31, 2008.**

**Architectural Review Board
File #15-249**

**Robert N. Richert for a
term ending October 1, 2008.**

**THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00 P.M., IN THE
CITY COUNCIL CHAMBER.**



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***OCTOBER 18, 2004
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AGENDA

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Welcome. Mayor Harris.

NOTICE:

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A. PUBLIC HEARINGS:

1. Request of Diana M. Aesy that four tracts of land located on Hollins Road and Georgia Avenue, N. E., identified as Official Tax Nos. 3061113, 3061114, 3061301, and 3061302, be rezoned from LM, Light Manufacturing District, to CN, Neighborhood Commercial District. Diana M. Aesy, Spokesperson.

Adopted Ordinance No. 36882-101804. (7-0)
File #51

2. Request of Pheasant Ridge Real Estate Holdings, L.L.C., to amend proffered conditions presently binding upon a tract of land located on Pheasant Ridge Road, S. W., identified as Official Tax No. 5460124. Hunter D. Smith, Spokesperson.

Adopted Ordinance No. 36883-101804. (7-0)
File #51

3. Request of CHS, Inc., that a portion of 22nd Street and Yellow Mountain Road, S. E., adjacent to property identified as Official Tax No. 4060601, be permanently vacated, discontinued and closed. David C. Helscher, Attorney.

Adopted Ordinance No. 36884-101804. (7-0)
File #514

4. Request of CHS, Inc., that property located on McClanahan Street and Crystal Spring Avenue, S. W., identified as Official Tax Nos. 1040902 and 1040905, be rezoned from C-1, Office District, to INPUD, Institutional Planned Unit Development District. Robert B. Manetta, Attorney.

Adopted Ordinance No. 36885-101804. (7-0)
File #51

5. Consideration of previously received applications for Federal funds made available through the Virginia Department of Transportation for transportation enhancement projects in Fiscal Year 2004–2005.

**Adopted Resolution Nos. 36886–101804 and 36887–101804. (7–0)
File #102–379–422**

B. UNFINISHED BUSINESS:

1. Williamson Road Area Plan as a component of Vision 2001–2020, the City's Comprehensive Plan. (The matter was tabled by Council on August 18, 2004.)

**Adopted Ordinance No. 36888–101804. (7–0)
File #200–424**

C. OTHER BUSINESS:

1. Amendment of the City Code to implement certain changes to the City's Tax Exemption Program for rehabilitated real property.

**Action on the ordinance was tabled until the regular meeting of Council on Monday, November 1, 2004 at 2:00 p.m. Council requested that the ordinance be revised so as to apply to commercial/industrial and multi-use property.
File #24–79**

D. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of appointing a representative to the Stadium Study Committee who is 30 years of age or younger. He inquired about the condition of the drainage system at Victory Stadium. He also inquired about construction of the bridge at Valley View Mall to I–581 which has

not been completed and suggested that the funds that were allocated for the new stadium/amphitheater at Orange Avenue/Williamson Road be used to complete the Valley View bridge.

File #122-455

Mr. Joe Schupp, 2323 South Jefferson Street, a former member of the Wildlife Task Force, spoke with regard to implementation of an archery program. He advised that a recommendation of the task force included implementation of an urban archery program using volunteer trained archery hunters to remove excess deer and a sharp shooting program through the Police Department to complement the archery program. He spoke in support of the portion of the recommendation that was implemented regarding the sharp shooting program, but expressed concern that the urban archery program was not implemented, and advised that one component will not work without the other.

File #5-54

Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke with regard to housing needs in the City of Roanoke. He called attention to unsightly litter on Roanoke's streets and referred specifically to Orange Avenue, Williamson Road, Liberty Road and 10th Street.

File #66-144-178

Mr. Rick Williams, 3725 Sunrise Avenue, N. W., spoke in support of the geographic policing program in the Williamson Road area. He expressed concern with regard to speeding on Williamson Road and the fact that Roanoke's judicial system does not take seriously the situation of a motorist driving 60 miles per hour in a 35 miles per hour zone. When addressing accommodations for bicyclists, he suggested that bicyclists be consulted and that the City not rely solely on the advice of those persons who believe they know what is necessary in terms of making streets safe and accommodating for bicyclists.

File #5-316-442